

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4676 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

GARASIA VIRA DHULA

Versus

STATE OF GUJARAT

Appearance:

MR GIRISH PATEL for Petitioners
MS BINODA GAJJAR, AGP for Respondent No. 1, 3
MR HM BHAGAT for Respondent No. 2

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 14/11/2000

ORAL JUDGEMENT

1. The prayer of the petitioners in this petition is for regularization of their holdings and for permission to reconstruct and restoring the huts of the petitioners demolished by the respondent Authorities or in the

alternative, directing the respondent to pay adequate compensation to the petitioners to enable them to rebuild their huts. Further prayer is for direction to the respondent not to interfere with peaceful possession and enjoyment of the land, as well as, the huts of the petitioners.

2. Shri AJ Yagnik, learned counsel representing the petitioners has been heard so also the learned AGP.

3. At the time of rejoinder, Shri Yagnik inform that in view of the direction of the Apex Court, the State of Gujarat has formulated certain rules for regularization of unauthorized possession of cultivators over government land; and in view of that policy, a Committee has been constituted to look into the matter. As such, by way of alternative remedy Shri Yagnik requests that he may be permitted to withdraw the Writ Petition with liberty to approach the Committee within a period of one month with representation for regularization of possession of the petitioners.

4. The request is accepted. The Writ Petition is dismissed as withdrawn with no order as to costs. The petitioners are permitted to approach the concerned Committee with representation for seeking relief of regularization within a period of 30 days from today. During this period, interim relief granted by this Court in this Writ Petition on 17-7-1991 in terms of para-27(I) shall continue. The moment representation is presented before the Committee, the interim relief shall stand automatically discharged and the petitioners shall be at liberty to seek appropriate interim relief from the Committee.

November 14, 2000. [D.C. Srivastava, J.]

/sakkaf